

REMARKS

Claims 4 and 5 are pending in the present application. Claim 4 is amended herein. No new matter is introduced as a result of the amendment to claim 4. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. Claims 4 and 5 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenbauer (US 4,286,510). Applicant respectfully traverse all rejections for the reasons set forth below. This identical amendment and argument was presented in an amendment after final and was not entered as presenting new matter.

Claim Rejections - 35 USC § 112

Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that there is no support in the original specification for having a "predetermined" salt and nitrite concentration and to "simultaneously" inject the meat as recited in claim 4.

The terms "predetermined" and "simultaneously" are herein removed from claim 4. Claim 4 now requires "a first injection head in said plurality of injection heads connected to a first reservoir of brine having a high concentration of salt and nitrites to penetrate an area of fat" and "a second injection head in said plurality of injection heads connected to a second reservoir of brine having a lower concentration of salt and nitrites to penetrate an area of lean." Antecedent basis for these limitations can be found in the specification on p. 3, lines 19-29. Applicants respectfully assert that the rejection of claims 4-5 under 35 U.S.C. 112, first paragraph, is now overcome.

Claim Rejections - 35 USC § 103

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenbauer. Applicants respectfully assert that the disclosure of Prosenbauer does not render the present claimed invention obvious, for at least the reasons set forth below.

Single Injection Zone

Claim 4 requires a single injection zone, wherein injection heads in fluid communication with separate brine reservoirs inject the meat as it enters this single injection zone. In contrast, Prosenbauer teaches multiple injection zones. As Figure 1 illustrates, meat 5 is injected by a first set of needles 7 in a first injection zone, travels a distance on the conveyer 4, and is subsequently injected by a second set of needles 7 in a second injection zone. Applicants respectfully assert that it would not have been obvious to one of ordinary skill in the art to inject the meat 5 with both sets of injection needles 7 while the meat 5 is in a single injection zone.

Prosenbauer clearly teaches away from such an adaptation in col. 6, lines 50-55: "Both arrangements (FIGS. 1 and 3) have the additional advantage that a rest zone is located between both piercing frames and that in this rest zone the brine has sufficient time to become absorbed by the meat before the second piercing frame starts its work on the same piece of meat." Applicants respectfully assert that one of ordinary skill in the art would have been discouraged from modifying the apparatus 1 taught by Prosenbauer to inject a piece of meat with multiple injection heads in a single injection zone, as required in claim 4.

Fat and Lean Areas

Claim 4 requires that as the meat enters the first injection zone, the meat in the single injection zone is injected by "a first injection head in said plurality of injection heads connected to a first reservoir of brine having a high concentration of salt and nitrites to penetrate an area of fat" and also by "a second injection head in said plurality of injection heads connected to a second reservoir of brine having a lower concentration of salt and nitrites to penetrate an area of lean." In other words, claim 4 requires that different brine solutions be injected into different areas of the meat depending on the fat/lean content of each area of meat.

Prosenbauer fails to teach or suggest injecting different brine solutions into different areas of meat depending on fat/lean content of each area of the meat. In contrast, Figure 2 teaches away from injecting a first brine solution into a fat area and a second brine solution into a lean area, as claim 4 requires, by depicting how the needles 7 in piercing frame 14 penetrate the meat at intervals evenly spaced throughout the meat 5, without regard to fat or lean areas of the meat 5. Applicants respectfully assert that it would not have been obvious to one of ordinary skill in the art to modify the arrangement of the piercing frames 13, 14 and the needles 7 taught by Prosenbauer to inject one brine solution into a fat area of the meat 5 and a second brine solution into a lean area of the meat 5, except by using the present disclosure and claims as a blueprint.

For at least the reasons set forth above, Applicants respectfully assert that the rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Prosenbauer is traversed, and that claim 4 is now in condition for allowance.

Claim 5 is dependent on claim 4 and recites an additional limitation. Thus, Applicants respectfully assert that the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Prosenbauer is also traversed, and that claim 5 is also in condition for allowance.

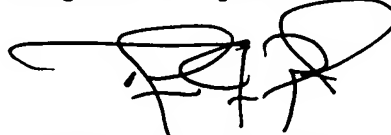
CONCLUSION

In light of the response presented herein, Applicants respectfully assert that claims 4-5 of the present application overcome the rejections of record, and therefore earnestly solicit allowance of these claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

Applicant is now considered to be a Large Entity and our check for \$790 is attached for the filing fee for the RCE. However, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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